

May 18, 2022

MEMO ENDORSED

BY ECF AND EMAIL

The Honorable Katherine Polk Failla
United States District Court for the Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square, Room 618
New York, NY 10007

Re: Motion for Leave to File Letter Response and Attachment Under Seal in *Dinosaur Fin. Group, et al. v. CUSIP Global Servs, et al.*, 22 Civ. 1860-KPF (*Dinosaur*); *Hildene Capital Mgt. v. American Bankers Ass’n, et al.*, 22 Civ. 1929-KPF)

Dear Judge Failla:

We write on behalf of Defendants S&P Global Inc., American Bankers Association, and FactSet Research Systems Inc. In accordance with Your Honor’s Individual Rules 9B and 9C, and in conjunction with Defendants’ May 18, 2022 letter (“Letter”) responding to the April 20, 2022 request by the *Dinosaur* Plaintiffs for a pre-motion conference on their proposed partial summary judgment motion, Defendants hereby submit this letter motion seeking leave to file under seal an unredacted version of the Letter and Attachment 1 thereto. Attachment 1 is a true and correct copy of the CGS Subscription Agreement executed between Plaintiff Dinosaur Financial Group LLC (“Dinosaur”) and CGS, which is referenced throughout, and specifically cited at ¶ 64 of, the *Dinosaur* complaint. The redacted portion of the letter (at p. 3 n.3) contains a brief quotation from that confidential agreement.

The terms of this CGS Subscription Agreement are not maintained as confidential by CGS, and are not publicly available, and the parties have agreed in Section 11.5 to protect the terms and conditions of the Agreement as Confidential Information. The CGS Subscription Agreement terms and conditions are provided only to those entities that request a license from CGS, based on their particular requirements to access the CGS Service and to download in bulk and use data originating from the copyrighted database created and maintained by the Defendants. Separately, the completed CGS Services Attachment and the Use of Service Statement in each executed agreement contain information describing a particular subscriber’s intended use of the CGS Service and the specific services they may access. Dinosaur Financial Group may consider this information concerning the nature and scope of its intended use of the CGS Service as proprietary and confidential business information.

In accordance with the Southern District of New York ECF Rules & Instructions §§ 6.5(a) and 6.9, Defendants request that access to the sealed document should be limited to the viewing level for Selected Parties, including counsel of record and court personnel.

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Respectfully submitted,

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cc: All Counsel of Record (*via ECF*)

Application GRANTED. Defendants may file an unredacted version of the above-referenced letter, as well as the CGS Subscription Agreement attached thereto, under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the pending motion at docket entry 54.

Dated: May 19, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE